

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	CASE NO. 2:94cr3-1 (DF-CE)
	§	
CEDRIC JAMES	§	

MEMORANDUM ORDER

The court referred a petition, alleging violation of supervised release conditions, to United States Magistrate Judge Chad Everingham at Marshall, Texas for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings, and all available evidence.

At the close of the October 6, 2009 revocation hearing, defendant and defense counsel signed a standard form waiving their right to object to the proposed findings and recommendations contained in the United States Magistrate Judge's report, consenting to revocation of supervised release as recommended herein, and consenting to the imposition of the above sentence recommended in this report. Defendant also waived his right to be present and speak before the district judge imposes the recommended sentence. The government did not file any objections. Therefore, the Court may act on the report and recommendation immediately.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED that the defendant's plea of true to the second and fourth allegations as set forth in the government's petition be **ACCEPTED**. Based upon the defendant's plea of true to the second and fourth allegations, the court finds that the defendant violated the conditions of his supervised

release. It is further

ORDERED that the defendant's supervised release be **REVOKED**. Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

It is further

ORDERED that the defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eight (8) months, to run concurrently with any sentence received in state court, with no term of supervised release to follow such term of imprisonment.

SIGNED this 8th day of January, 2010.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE